

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**8 U.S.C. §§ 1326(a) and (b) -
Deported Alien Found in the
United States☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**E-filing****PENALTY:**

Imprisonment 20 years; fine \$250,000; special assessment \$100; and 3 years of supervised release

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

AUSA Chinhayi J. Coleman

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEC 13 2007

DEFENDANT - U.S.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

ENRIQUE GARCIA-GRACIANO

DISTRICT COURT NUMBER

CR07-0790 CW**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges _____
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District) _____

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
- If answer to (6) is "Yes", show name of institution _____

Has detainer
been filed?☒ Yes
☐ NoIf "Yes"
give date
filed

9/21/2007

**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**

12/7/2007

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION

VENUE: OAKLAND

CR07-0790

CW

UNITED STATES OF AMERICA,

E-filing

v.

ENRIQUE GARCIA-GRACIANO,

FILED

DEC 13 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

INDICTMENT

8 U.S.C. §§ 1326(a) and (b) - Deported Alien Found in
the United States

A true bill.

Muli

Foreman

Filed in open court this 13th day of

December 2007

Clerk

Bail, \$

Wayne D. Brazil *No bail arrest warrants*

12-13-07

SCOTT N. SCHOOLS (SC 09990)
United States Attorney

FILED

2007 DEC 13 PM 2:29

RICHARD W. PARKING
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENRIQUE GARCIA-GRACIANO,

Defendant.

No.

07-0790

CW

VIOLATION: 8 U.S.C. §§ 1326(a) and (b) –
Deported Alien Found in the United States

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

1. Prior to April 29, 2003, the defendant, ENRIQUE GARCIA-GRACIANO, was convicted of at least one felony crime punishable by a term of imprisonment exceeding one year.
2. On or about April 29, 2003, the defendant, ENRIQUE GARCIA-GRACIANO, was removed, excluded, and deported from the United States.
3. After April 29, 2003, the defendant, ENRIQUE GARCIA-GRACIANO, knowingly and voluntarily reentered and remained in the United States.
4. On or about September 21, 2007, in the Northern District of California, the defendant, ENRIQUE GARCIA-GRACIANO, an alien, was found in the United States without

INDICTMENT

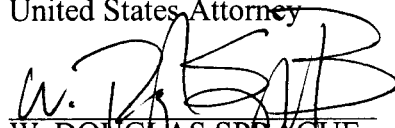
1 having obtained the express consent of the Attorney General or the Secretary of the Department
2 of Homeland Security to reapply for admission into the United States, in violation of Title 8,
3 United States Code, Sections 1326(a) and (b).

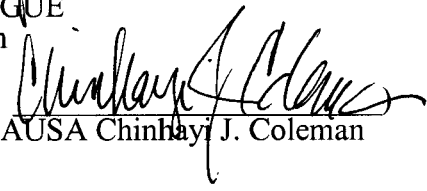
4
5 DATED: December 13, 2007

A TRUE BILL.

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7 
8 FOREPERSON

9 SCOTT N. SCHOOLS
United States Attorney

10 
11 W. DOUGLAS SPRAGUE
Chief, Oakland Branch

12 (Approved as to form: 
13 AUSA Chin-hay J. Coleman

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INDICTMENT